

Remarks

Applicant requests favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Applicant's representative thanks the Examiner for the cordial and productive interview conducted on January 13, 2005, during which the foregoing amendments to independent claims 1 and 15 were discussed in light of the art cited in the Office Action dated October 18, 2004.

Claims 1-20 are currently pending, of which claims 1, 15, and 18 are independent.

By this paper, claims 1, 4-10, and 13-17 have been amended to improve their form and/or to clarify features of Applicant's invention, and claims 18-20 have been added to provide an additional scope of protection. Applicant also has amended the specification to conform errant reference numerals to those in the drawings. Support for the changes and new claims can be found in the original application, as filed. No new matter has been added.

In the Office Action, claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,782,194 to Schneiderbauer and under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,466,739 to Ambrosi et al. Claim 15 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,647,053 to Schroeder et al. Claims 4-14, 16, and 17 were objected to as being dependent upon a rejected base claim, but were indicated as containing allowable subject matter. Applicant thanks the Examiner for his indication that claims 4-14, 16, and 17 contain allowable subject matter, but respectfully traverses the rejections of the other claims.

Nevertheless, without conceding the propriety of the rejections, and solely to advance prosecution, Applicant has amended independent claims 1 and 15 to clarify the invention recited in those claims.

Independent claim 1 relates to an evaporator that includes a housing adapted to receive a bottle with a wick protruding therefrom, an electrical plug assembly, a heating device, and an adjustor adapted to adjust a spacing of the wick relative to the heating device. The adjuster includes a ratcheting mechanism that retains the adjuster in any one of a plurality of discrete adjustment settings. As discussed at paragraphs 0036-0038 of the specification, for example, the ratcheting action of the adjustor makes it easier for a user to quickly adjust the evaporation rate of the evaporator by a predetermined amount. This also simplifies repeatability of adjustment.

Independent claim 15 also relates to an evaporator including a housing adapted to receive a bottle with a wick protruding therefrom, an electrical plug assembly, a heating device, and an adjustor adapted to adjust a spacing of the wick relative to the heating device. As in claim 1, the adjustor recited in claim 15 includes a ratcheting mechanism. Claim 15 additionally recites that the electrical plug assembly includes a rotatable plug deck having a locking mechanism.

As discussed at the interview and summarized below, Applicant submits that the cited art fails to teach or suggest salient features of the invention, as recited in independent claims 1 and 15.

The Schneiderbauer patent discloses an evaporation device that includes a mechanism for adjusting the evaporation rate by moving a wick and a heating element relative to

each other. However, the adjustment mechanism of the Schneiderbauer patent does not include a ratcheting mechanism for retaining the adjuster in any one of a plurality of discrete adjustment settings, as in the present invention recited in independent claims 1 and 15.

The Ambrosi et al. patent discloses an electric evaporator that includes a mechanism for displacing a wick toward or away from a heating device. Like the Schneiderbauer adjuster, however, the Ambrosi et al. adjuster permits *continuous* adjustment between minimum and maximum levels (Ambrosi et al., col. 4, lines 47-55); it does not include a ratcheting mechanism for attaining discrete adjustment settings.

Regarding the Schroeder et al. patent, which was only cited against claim 15, it is not even clear whether the Schroeder et al. patent teaches or suggests a wick adjuster, let alone a wick adjuster that includes a ratcheting mechanism, as in the present invention recited in independent claims 1 and 15.

Applicant submits that none of these patents teaches or suggests, either individually or in combination, the features of Applicant's invention recited in independent claims 1 and 15. Applicant, therefore, requests favorable reconsideration and withdrawal of the rejections of independent claims 1 and 15.

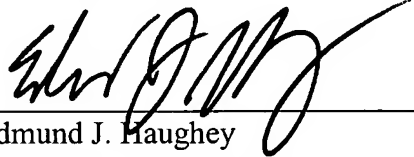
New independent claim 18 relates to an electrical evaporator and recites features recited in allowable dependent claim 4. Accordingly, applicant submits that claim 18 should be allowable for at least the same reasons as claim 4.

The rest of the claims variously depend from independent claims 1, 15, and 18, and are believed to be patentable for at least the same reasons. Further individual consideration of the dependent claims is requested.

Applicant submits that the subject application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and an early Notice of Allowance are requested.

Applicant's undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should continue to be directed to the address given below for S.C. Johnson & Son, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund J. Haughey', is written over a horizontal line.

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